



Rep. Elaine Nekritz

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09900HB6287ham002

LRB099 16919 MJP 46035 a

1 AMENDMENT TO HOUSE BILL 6287

2 AMENDMENT NO. _____. Amend House Bill 6287 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Egg and Egg Products Act is
5 amended by adding Section 3.21a and by changing Sections 6 and
6 15 as follows:

7 (410 ILCS 615/3.21a new)

8 Sec. 3.21a. "Lot consolidation" means the removal of
9 damaged eggs from consumer labeled cartons and replacement of
10 the damaged eggs with eggs of the same grade, size, sell-by
11 date, brand, lot, and source.

12 (410 ILCS 615/6) (from Ch. 56 1/2, par. 55-6)

13 Sec. 6. Candling; labeling; sales by producers; retail
14 sales; temperature requirements. All eggs sold at retail or
15 purchased by institutional consumers must be candled for

1 quality and graded for size.

2 A producer may sell on his own premises where eggs are
3 produced, direct to household consumers, for the consumer's
4 personal use and that consumer's non-paying guests, nest run
5 eggs without candling or grading those eggs.

6 All eggs designated for sale off the premises where the
7 entire flock is located, such as at farmers' markets, and at
8 retail or for institutional use must be candled and graded and
9 held in a place or room in which the temperature may not exceed
10 45 degrees Fahrenheit after processing. Nest run eggs shall be
11 held at 60 degrees Fahrenheit or less at all times. During
12 transportation, the egg temperature may not exceed 45 degrees
13 Fahrenheit.

14 Hatcheries buying eggs for hatching purposes from
15 producers under contract may sell their surplus eggs to a
16 licensed packer or handler provided that the hatchery shall
17 keep records which indicate the number of cases sold, the date
18 of sale and the name and address of the packer or handler
19 making the purchase.

20 All eggs candled or candled and graded outside the State
21 must meet Federal standards before they can be sold or offered
22 for sale in the State. No eggs may be offered for sale for
23 consumer use 45 days or more after the date of candling ~~after~~
24 ~~the original 30-day candling date.~~

25 Each container of eggs offered for sale or sold at
26 wholesale or retail must be labeled in accordance with the

1 standards established by the Department showing grade, size,
2 packer identification, and candling date, and must be labeled
3 with an expiration date, or other similar language as specified
4 by USDA standards, that is not later than 45 ~~30~~ days from the
5 candling date for grade A eggs and not later than 30 ~~15~~ days
6 after the candling date for grade AA eggs.

7 The grade and size of eggs must be conspicuously marked in
8 bold face type on all consumer-size containers.

9 The size and height of lettering or numbering requirement
10 shall be set by regulation and shall conform as near as
11 possible to those required by Federal law.

12 All advertising of shell eggs for sale at retail for a
13 stated price shall contain the grade and size of the eggs. The
14 information contained in such advertising shall not be
15 misleading or deceptive. In cases of food-borne disease
16 outbreaks in which eggs are identified as the source of the
17 disease, all eggs from the flocks from which those
18 disease-causing eggs came shall be identified with a producer
19 identification or flock code number to control the movement of
20 those eggs.

21 (Source: P.A. 96-1310, eff. 7-27-10.)

22 (410 ILCS 615/15) (from Ch. 56 1/2, par. 55-15)

23 Sec. 15. Samples; packing methods.

24 (a) The Department shall prescribe methods in conformity
25 with the United States Department of Agriculture

1 specifications for selecting samples of lots, cases or
2 containers of eggs or egg products which shall be reasonably
3 calculated to produce fair representations of the entire lots
4 or cases and containers sampled. Any sample taken shall be
5 prima facie evidence in any court in this State of the true
6 condition of the entire lot, case or container of eggs or egg
7 products in the examination of which the sample was taken.

8 It shall be unlawful for any handler or retailer to pack
9 eggs into consumer-size containers other than during the
10 original candling and grading operations unless the retailer
11 performs a lot consolidation.+

12 (b) A retailer that wishes to consolidate eggs shall
13 implement and administer a training program for employees that
14 will perform the consolidation as part of their duties. The
15 program shall include, but not be limited to, the following:

16 (1) Laws governing egg lot consolidation:

17 (A) same lot code;

18 (B) same source;

19 (C) same sell-by date;

20 (D) same grade;

21 (E) same size;

22 (F) same brand;

23 (2) temperature requirements;

24 (3) egg is a hazardous food (FDA Guidelines);

25 (4) sanitation;

26 (5) egg quality (USDA guidelines);

1 (6) original packaging requirements (replacement
2 cartons shall not be utilized); and

3 (7) record keeping requirements.

4 (c) Training shall be conducted annually and may be
5 conducted by any means available, including, but not limited
6 to, online, computer, classroom, live trainers, and remote
7 trainers.

8 (d) A copy of the training material must be made available
9 upon request from the Department. A copy of the training
10 material may be kept electronically.

11 (e) Eggs shall be consolidated in a manner consistent with
12 training materials required by subsection (b).

13 (f) Each store shall maintain a record of each egg carton
14 consolidated. The records shall be maintained by the store at
15 the physical location the eggs were consolidated at for a
16 period not less than one year past the last sell-by date on the
17 cartons consolidated. The records must be available for
18 inspection upon request from the Department. The records may be
19 kept electronically.

20 Each lot consolidation shall be documented. The
21 information documented shall include, but not be limited to,
22 the following:

23 (1) date of consolidation;

24 (2) brand;

25 (3) egg size;

26 (4) distributor;

1 (5) USDA plant number;

2 (6) grade; and

3 (7) best-by (sell-by/use-by) date.

4 (g) An Illinois-based egg producer or Illinois-based egg
5 producer-dealer may prohibit its brands from being included in
6 an egg lot consolidation program. Any Illinois-based egg
7 producer or Illinois-based egg producer-dealer that chooses to
8 prohibit its brands from being included in an egg lot
9 consolidation program shall notify a retailer in writing before
10 entering into an agreement to distribute its eggs to the
11 retailer. Producers or producer-dealers with agreements
12 entered into prior to the effective date of this Act shall have
13 90 days after the effective date of this Act to notify
14 retailers in writing of their choice to prohibit consolidation
15 of their egg brands.

16 Upon notification from an Illinois-based producer or
17 Illinois-based producer dealer, a retailer shall not
18 consolidate those brands.

19 ~~(a) The loose eggs to be so transferred are in master~~
20 ~~ease stamped no more than 5 days previous indicating that~~
21 ~~the size and quality have been verified.~~

22 ~~(b) The process of transferring is done in a licensed~~
23 ~~establishment.~~

24 ~~(c) (Blank).~~

25 ~~(d) The loose eggs to be transferred are reprocessed in~~
26 ~~the same manner as nest run eggs and each egg is recandled~~

1 ~~for quality and regraded for size in an establishment~~
2 ~~recognized as a competent grading facility by the Director~~
3 ~~or his authorized representative.~~

4 ~~(c) (Blank).~~

5 ~~If procedures described in paragraph (a) or (b) of this~~
6 ~~Section are executed, the mandatory labeling as it appears on~~
7 ~~the master cases with respect to name, address, grade, size and~~
8 ~~candling date must be identical to the labeling on the~~
9 ~~consumer size containers into which the eggs are transferred~~
10 ~~except that the name and address may be changed, provided that~~
11 ~~the words "packed for", "packed by" or words of similar import~~
12 ~~do not appear.~~

13 (Source: P.A. 92-677, eff. 7-16-02.)".